

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RUSSELL MARTINEZ,

Plaintiff,

v.

**USDC Case No. 14-CV-00534 KG/WPL
District Court Case No. D-117-CV-2014-00159**

JOSEPH SALAZAR, et al.,

Defendants.

**ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES
TO DEFENDANT LEO MONTOYA**

COMES NOW Defendant Leo Montoya, by and through his attorneys Basham & Basham, P.C. (Mark A. Basham) and for his Answers to Plaintiff's First Set of Interrogatories to Defendant Leo Montoya, states as follows:

INTERROGATORIES

Plf.'s Interrogatory No. 18 to Espanola Defs.: Please provide a full and detailed description of your educational history beginning with high school. Include in your answer all vocational training, certifications you have received, the years of attendance for each school, whether you graduated, and your grade-point average.

ANSWER:

Defendant Leo Montoya objects to this Interrogatory on the basis that it is not likely to lead to the discovery of admissible evidence. Without waiving said objection, Defendant Montoya affirmatively states that he retired from the City of Espanola in April 2012 and that the complained-of incident occurred following his retirement.

Plf.'s Interrogatory No. 19 to Espanola Defs.: Please provide a full and detailed description of

EXHIBIT E

your work history. Include in your answer the pay you received and your rank and job duties throughout your time with each employer, and for each employer for which you no longer work, the specific reason why you resigned or were terminated.

ANSWER:

See, Defendant Leo Montoya's Answer to Plaintiff's Interrogatory No. 18.

Plf.'s Interrogatory No. 20 to Espanola Defs.: Please provide a full and detailed description of the training you have received as, or to become, a law enforcement officer. Include in your answer a list, by name, of all classes or courses that you have completed, the date you completed the class or course, the length of the class or course, who acted as the instructor for the class or course, and whether you have any certificates showing completion of any such course.

ANSWER:

See, Defendant Leo Montoya's Answer to Plaintiff's Interrogatory No. 18.

Plf.'s Interrogatory No. 21 to Espanola Defs.: Please provide a full and detailed description of your decision to hire Defendants Joseph Salazar and Greg Esparza. Include in your answer a complete explanation of the decision-making process that you undertook, and state, with specificity, what documents you relied on in making your decision.

ANSWER:

See, Defendant Leo Montoya's Answer to Plaintiff's Interrogatory No. 18.

Plf.'s Interrogatory No. 22 to Espanola Defs.: Please provide a full and detailed description of the training that you provided to Defendants Joseph Salazar and Greg Esparza in the areas of use

of force, the need to medically clear certain inmates for jail, documenting injuries that police officers sustain in the course of their duties, preserving evidence of a crime, and the discretion given to officers regarding whether or not to charge a person with a crime.

ANSWER:

See, Defendant Leo Montoya's Answer to Plaintiff's Interrogatory No. 18.

Plf.'s Interrogatory No. 23 to Espanola Defs.: Please provide a full and detailed description of the supervision you had over Defendants Joseph Salazar and Greg Esparza. Please include in your answer how often you reviewed the performance of Defendants Joseph Salazar and Greg Esparza, how those reviews were conducted, what documents were reviewed and created as part of that review process, and the outcome of each review.

ANSWER:

See, Defendant Leo Montoya's Answer to Plaintiff's Interrogatory No. 18.

Plf.'s Interrogatory No. 24 to Espanola Defs.: Please state whether any grievances, complaints, internal affairs investigations, or disciplinary proceedings pertaining to either Defendant Joseph Salazar or Greg Esparza have been lodged or instituted. For any such grievance, complaint, investigation, or proceeding, please provide a full and detailed description of the underlying facts and its resolution.

ANSWER:

See, Defendant Leo Montoya's Answer to Plaintiff's Interrogatory No. 18.

Plf.'s Interrogatory No. 25 to Espanola Defs.: Please provide a full and detailed description of

the process by which individuals in custody of the Espanola Department of Public Safety who needed medical attention prior to being detained obtained a medical clearance from Presbyterian Espanola Hospital. In your answer, please state whether you are aware of any document created by Presbyterian Espanola Hospital or the City of Espanola memorializing or otherwise referencing this procedure.

ANSWER:

See, Defendant Leo Montoya's Answer to Plaintiff's Interrogatory No. 18.

Plf.'s Interrogatory No. 26 to Espanola Defs.: Please provide a full and detailed description of any disciplinary action that has been taken, or any grievance or complaint that has been lodged, against you in your capacity as a law enforcement officer, whether you were employed by the City of Espanola or elsewhere.

ANSWER:

See, Defendant Leo Montoya's Answer to Plaintiff's Interrogatory No. 18.

Plf.'s Interrogatory No. 27 to Espanola Defs.: Please provide a full and complete description of any time you have been arrested for, or charged with, a crime. Include in your answer the date and place of arrest, the reason for the arrest, the name of the law enforcement agency involved in the arrest, the charges, if any, that were filed against you, the name of the court the charges were heard in, the outcome of the charges and the punishment, if any, you received upon conviction or adjudication as delinquent.

ANSWER:

See, Defendant Leo Montoya's Answer to Plaintiff's Interrogatory No. 18.

Plf.'s Interrogatory No. 28 to Espanola Defs.: Please provide a full and complete description of any lawsuit, other than the instant case, in which you have been a party. For each lawsuit, include in your answer the names of the parties involved in the lawsuit, the name of the court in which the lawsuit was filed, the case number of each lawsuit, and the names of the attorneys representing any party in the lawsuit.

ANSWER:

See, Defendant Leo Montoya's Answer to Plaintiff's Interrogatory No. 18.

Respectfully submitted by:

BASHAM & BASHAM, P.C.

/s/ Mark A. Basham

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